



WESTERN REVIEW

OF LEGISLATIVE & REGULATORY ACTIONS



Region 8 – March 2007

US ARMY ENVIRONMENTAL COMMAND – WESTERN REGIONAL ENVIRONMENTAL OFFICE

Summary of EPA Semiannual Regulatory Agenda

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On December 11, 2006, the United States Environmental Protection Agency (EPA) published its semi annual 2006 Regulatory Agenda (71 FR 73848). The Agenda includes potential regulations and major policy documents that the EPA will be focusing on in the near future. The following is a summary of some of the trends from the report, as well as two particular actions that may have direct impact on installations in the Western Region. For more information on each agenda item, please refer to <http://www.epa.gov/fedrgstr/EPA-GENERAL/2006/December/Day-11/g7683.htm>.

The table on page 3 summarizes the action items by the groupings designated by the EPA. Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Proposed Rules include EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)). Final Rule includes rules that will be issued as a final rule within a year.

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Federal News

The United States Environmental Protection Agency (EPA) has released draft grant guidelines for states to report on the compliance of government underground storage tanks under the Energy Policy Act of 2005. See page 4 for more information.

State News

The Utah Department of Environmental Quality (DEQ) is proposing regulations to implement the Clean Air Mercury Rule. See page 24 for more information.

WREO News Brief

Colorado Governor Ritter and state legislators are implementing the Governor's pledge to "establish Colorado as a national leader in a New Energy Economy" by promoting alternative energy, encouraging cleaner ways of extracting and using fossil fuels, rewarding efficiency and conservation; attracting research, development, manufacturing and other economic opportunities and jobs around renewable energy; and making rural Colorado a driver in the expansion of sun, wind and biofuel markets". Colorado state legislators have introduced four bills that will help to implement the initiative. The new renewable energy initiative may have impacts on the military in Colorado, such as improving their energy sustainability results, but at the same time encroach on mission activities. The WREO will monitor developments and look for opportunities to collaborate with state and other representatives to benefit the military.

About the Western Review of Legislative & Regulatory Actions

The *Western Review of Legislative & Regulatory Actions* provides current information on significant regulatory and legislative developments, as well as related information affecting Department of Defense (DOD) activities and operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, the *Review* can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your Regional Environmental Coordinator (REC) point-of-contact if any pending rules or laws in this document will have significant impact on your operations.

The mission of the Western Regional Environmental Office (WREO) mission is to support the Army/DOD through coordination of regional environmental issues and activities. This includes providing regional reviews of legislative and regulatory issues relevant to the Army/DOD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

The monthly *Western Review of Legislative & Regulatory Actions* is available by e-mail distribution. If you would like to receive the *Review* in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian: bob.gurdikian@us.army.mil.

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Summary of EPA Semiannual Regulatory Agenda

(Continued from page 1)

Categories	PreRule	Proposed Rules	Final Rules
General		5	4
CAA	1	55	53
AEA		2	1
FIFRA	2	8	3
TSCA	2	7	16
EPCRA		3	2
RCRA	1	9	4
OPA		1	1
CERCLA		1	1
CWA		3	8
SDWA		2	2

CAA- Clean Air Act

AEA – Atomic Energy Act

FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act

TSCA – Toxic Substance and Control Act

EPCRA – Emergency Planning and Community Right to Know Act

RCRA – Resource Conservation and Recovery Act

OPA – Oil Pollution Act

CERCLA – Comprehensive Environmental Response

Compensation and Liability Act

CWA – Clean Water Act

Also note that actions involving the Clean Air Act are more (109 actions) than all of the other action groups combined (88 actions). In addition, 86 actions were completed since the last regulatory agenda report, and 88 action items are deemed long-term that go beyond the October 2008 timeframe.

Though most of the actions potentially have some military impact, two actions appear to have direct implications to the military and installation operations. The first action falls under the CAA, Section 112, National Emissions Standards for Hazardous Air Pollutants (NESHAPS), which specifically pertains to defense land systems and miscellaneous equipment (number 3040 in the agenda report). This proposed rule will control emissions of hazardous air pollutants (HAPs) from surface coating operations performed on-site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any state) and the National Aeronautics and Space Administration. The regulation also includes surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the

National Guard of any state). Notice of Proposed Rulemaking is expected in August 2007, with final action possible by August 2008.

The second action with military implications is the proposed rule for Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II (number 3335 in the agenda report), which falls under the CWA Section 312 (n), 33 United States Code (USC) 1322 and 1361. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR Part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels (includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on navigable waters of the United States or waters of the contiguous zone, but does not include amphibious vehicles) would require control devices, as some of these discharges have the potential to introduce oil, organics, copper or other metals, and nonindigenous invasive aquatic species (such as ballast water) into the environment. Phase II will establish performance standards for control devices for these 25 discharges. The Phase II performance standards will be promulgated in five batches. Each batch will address several performance standards. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States. Notice of Proposed Rulemaking is expected in May 2007, with final action by August 2008.

If you feel a particular agenda item will impact your installation, contact us at the WREO, and discuss any issues you may have with your Regional Environmental Coordinator (REC) so that he may assist you.

Your REO at Work in 2007

Legislative Items Reviewed
– 730

Regulatory Items Reviewed
– 341





Regulatory News

FEDERAL

Environmental Protection Agency

Air Information

Onboard Diagnostic Systems for New Large Trucks and Buses – The United States Environmental Protection Agency (EPA) has released a proposed rule to require the emissions control systems of large diesel and gasoline highway trucks and buses, weighing over 14,000 pounds, be monitored for malfunctions via an onboard diagnostic system (OBD) (72 FR 3199). The EPA is also proposing changes to certain existing OBD requirements for smaller highway heavy-duty diesel trucks, under 14,000 pounds. Comments are due by March 26, 2007. For more information, contact Larry Webber, United States Army Environmental Command (USAEC), at (410) 436-1213.

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Hospital/Medical/Infectious Waste Incinerators

– The EPA has released proposed revisions to the emission limits in the new source performance standards (NSPS) and emission guidelines for hospital/medical/infectious waste incinerators. EPA is also proposing their response to the required Clean Air Act 5-year review, which would revise the emission limits in the NSPS and emission guidelines to reflect the levels of performance actually achieved by the emission controls installed to meet the emission limits set forth in the 1997, NSPS and emission guidelines. For more information, contact Larry Webber, USAEC, at (410) 436-1213. A fact sheet on the rule is available at http://www.epa.gov/ttn/oarpg/t3/fact_sheets/hmiwi_pro_p_fs070126.pdf.

Control of Hazardous Air Pollutants from Mobile Sources – The EPA has released a final rule that adopts controls on gasoline, passenger vehicles, and portable fuel containers (primarily gas cans) that aim to reduce emissions of benzene and other hazardous air pollutants such as 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene. Emissions of particulate matter from passenger vehicles will

also be reduced. For more information, contact Larry Webber, USAEC, at (410) 436-1213. A fact sheet is available at <http://www.epa.gov/otaq/regs/toxics/420f07017.htm>.

NSPS for Electric Utility and Industrial-Commercial Steam Generating Units – The EPA has released the text of a proposal to amend specific provisions in the NSPS for steam generating units. (72 FR 6319). Comments are due by March 12, 2007. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

Water Information

None.

Waste Information

Compliance With Government Underground Storage Tank (UST) Reporting Guidelines for States – The EPA has released draft grant guidelines for states to report on the compliance of government USTs under the Energy Policy Act of 2005. States will have to report on the compliance status of underground storage tanks owned or operated by federal, state, and local governments. Comments on the draft guidelines were due by February 22, 2007. For more information, contact Mike Eck, USAEC, at (410) 436-7068. The draft guidelines are available at: <http://www.epa.gov/oust/fedlaws/Government%20Tank%20Report%20-%20Final%20Draft%20Guidelines%201-18-07.pdf>.

Draft Guidance for Munitions and Explosives of Concern Hazard Assessment – The EPA, Department of Defense (DOD), Department of the Interior, and Association of State and Territorial Solid Waste Management Officials have released draft guidance for munitions and explosives of concern hazard assessment (72 FR 2685). The guide supports a recommended method for evaluating explosive safety hazards at military munitions response sites. It also presents approaches to support the evaluation of the effects of removal and remedial actions under CERCLA regarding explosive hazards at

munitions response sites. Comments are due by March 23, 2007. The draft guide is available at http://www.epa.gov/fedfac/documents/mec_guidance_document.htm. Background information on the draft document and the Munitions and Explosives of Concern Work Group are at http://www.epa.gov/fedfac/documents/hazard_assess_wrkgrp.htm.

Other Federal Information

Congressional Bills on Greenhouse Gas Emissions and Alternative Fuels - Since the start of the legislative year several bills have been introduced with the intent to reduce greenhouse gas emissions and promote the use of alternative and renewable fuels. The bills include: Senate Bill S. 309 (Global Warming Pollution Reduction Act): The purpose of the bill is to reduce emissions of carbon dioxide by amending the Clean Air Act to include Title VII, Comprehensive Global Warming Pollution Reductions; House Bill H.R. 620 (Climate Stewardship Act of 2007): The purpose of the bill is to reduce greenhouse gas emissions by setting limits and establishing a market-driven system of tradeable allowances; Senate Bill S. 23 (Biofuels Security Act of 2007): The purpose of the bill is to promote renewable fuel and energy security by reducing the dependence on oil. If passed, one measure of the bill would amend the Energy Policy Act of 1992 to require 100% of new light-duty vehicles acquired by federal fleets be alternative fueled vehicles starting in 2008; Senate Bill S. 133 (American Fuels Act of 2007): The purpose of the bill is to promote the national security and stability of the economy by reducing the dependence on oil through the use of alternative fuels and new technology. For more information, contact Mary Kaye Kent, USAEC, at (410) 436-1207. The bills are available at <http://www.gpoaccess.gov/bills/index.html>.

Executive Order 13423: Strengthening Federal Environmental, Energy, and

Transportation Management – On January 24, 2007, the President signed Executive Order 13423 requiring federal agencies to lead by example in advancing the nation's energy security and environmental performance (72 FR 3917). The order establishes new and updated goals, practices, and reporting requirements for environmental, energy, and transportation performance and accountability. Specific goals include: increase purchase of alternative fuel, hybrid, and plug-in hybrid vehicles when commercially available; reduce petroleum consumption in fleet vehicles by 2% annually through 2015; increase alternative fuel consumption at least 10% annually; reduce energy intensity 30% by 2015; reduce greenhouse gas emissions through reduction of energy intensity by 3% annually or 30% by 2015; construct or renovate buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; reduce water consumption intensity by 2% annually through 2015; expand purchases of environmentally-sound goods and services, including biobased products; reduce use of chemicals and toxic materials and purchase lower risk chemicals and toxic materials from top priority list; and increase to at least 2,500 the number of federal operations that implement environmental management systems, by 2010.

Corrections and Updates to Technical Guidelines for Voluntary Greenhouse Gas Reporting – The DOE has released an interim final rule that makes clarifying changes to technical guidelines, published on April 21, 2006, used for reporting under the Voluntary Reporting of Greenhouse Gases Program (72 FR 4411). Comments were due by February 20, 2007. The revised January 2007 technical guidelines are available at <http://www.pi.energy.gov/enhancingGHGregistry>.

Conferences, Symposia, and Training

<i>Event</i>	<i>Date and Location</i>	<i>Details</i>
Army National Guard National Environmental Workshop	March 5-15, 2007 San Diego, CA	This workshop provides the latest regulatory information and consolidated training in an 8 day course. http://server2.plateauinc.com/New/overview.asp
Ground Water Industry Legislative Conference/NWGA Fly-in	March 5-6, 2007 Washington, DC	Annual conference for National Ground Water Association members who receive briefings from congressional leaders and key policy makers. http://www.ngwa.org/ngwainwashington/flyin.cfm
Hazardous Waste Management and Manifest Initial DOT Certification Course	March 12-16, 2007 Phoenix, AZ	Part of the US Army Corps of Engineers PROSPECT Training program. The 36-hour course addresses the management and transportation of hazardous waste and the use of the new hazardous waste manifest. To register, go online at http://pdsc.usace.army.mil/HowToRegister.aspx . For information about the course, go to http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223 or contact Sandi Zebrowski, (402) 697-2562, sandi.m.zebrowski@usace.army.mil .
Hazardous Waste Management and Manifest DOT Recertification Course	March 14-15, 2007 Phoenix, AZ	This 16-hour course fulfills the recurrent training requirements of 49 CFR 172, Subpart H as they relate to the transportation of hazardous wastes and the use of the new hazardous waste manifest. To register, go online at http://pdsc.usace.army.mil/HowToRegister.aspx . For information about the course, go to http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429 or contact Sandi Zebrowski, (402) 697-2562, sandi.m.zebrowski@usace.army.mil .
Navy Occupational Health and Preventive Medicine Conference	March 17-22, 2007 Hampton, VA	The theme for this year's conference, "Public Health in a Globalized World," forms the framework for a multi-disciplinary program of outcome-focused public health programs in the areas of occupational health, preventive medicine, health promotion, risk communication, and operational medicine. http://www-nehc.med.navy.mil/Conference07/Index.htm
North American Wildlife and Natural Resources Conference	March 20-24, 2007 Portland, OR	The Wildlife Management Institute is holding the 72nd Annual Conference to address prevailing issues, policies and practices of professional management of wildlife and other natural resources. http://www.wildlifemanagementinstitute.org/pages/TOC.html?179,143
Region VII Annual Regional Conference, Association of US Army	April 11-14, 2007 Denver, CO	This conference is held annually in AUSA Region VII (CO, UT, WY, NV, AZ, CA, and NM). Various speakers to address current topics regarding State of the Army and related world events. http://chapters.ausa.org/denver/events/meetarch/meeting/
GW18 Global Warming International Conference and Expo	April 18-20, 2007 Miami, FL	Sponsored by the Global Warming International Center, this conference will focus on bringing the discussion of global warming mitigation to the public as well as exchanging scientific data and public policy research. http://gw18.globalwarming.net
National Association of Environmental Professionals Conference	April 22-25, 2007 Orlando, FL	This year's conference theme is "Environmental Leadership: Science, Education, Alliances" and focuses on how environmental professionals are working to solve important issues through leadership in the areas of science, education, and the development of alliances. http://naep.org/displayconvspecific.cfm?convnbr=2679
In Situ and on-Site Bioremediation Symposium	May 7-10, 2007 Baltimore, MD	The Ninth International In Situ and On-Site Bioremediation Symposium will integrate the latest developments in fundamental research with innovative engineering applications. http://www.battelle.org/environment/er/conferences/biosymp
National Environmental Partnership Summit	May 7-11, 2007 New Orleans, LA	The conference theme is "Local Actions, Global Results". http://www.environmentalsummit.org/

<i>Event</i>	<i>Date and Location</i>	<i>Details</i>
2007 Building Materials Reuse Association Conference	May 14-16, 2007 Madison, WI	This national conference focuses on deconstruction, building materials reuse, and construction and demolition debris recycling. http://www.union.wisc.edu/bmra/index.html
Joint Services Environmental Management Conference	May 21-24, 2007 Columbus, OH	JSEM 2007 highlights the many new and innovative ways the DoD, other federal agencies, states, and industry are meeting mission needs while protecting the environment. http://www.jsemconference.com/2007/index.htm
100th Annual Air and Waste Management Conference	June 26-29, 2007 Pittsburgh, PA	The theme is "Energizing Environmental Solutions." http://secure.awma.org/ACE2007/
3rd International Conference on Environmental Science and Technology	August 6-9, 2007 Houston, TX	The objective of the conference will be to provide an interdisciplinary forum for presenting new approaches and foster integration of scientific research into practical products, waste management, remedial processes, and ecosystem restoration. http://www.aasci.org/conference/env/2007/index.html
Third National Water Resources Policy Dialog	September 22-23, 2007 Arlington, VA	This conference will discuss existing water resource policies and aim to develop a national water policy. http://www.awra.org/meetings/DC2007/index.html



Regulatory and Legislative News

COLORADO

Regulatory Developments

Air Information

Adoption by Reference of Amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) Maximum Available Control Technology (MACT) Standards – The Air Quality Control Commission is proposing to amend Regulation Number 8, Part E- (MACT Standards) to adopt by reference changes made by the EPA to the NESHAP rules. The public hearings to be held in January 2007 were cancelled and will be rescheduled. The period for written comments also has been extended until the future hearing dates. For more information, contact Theresa Martin at (303) 692-3476.

Water Information

Amendments to the Procedural Rules Governing the Review of Appeals – The Water Quality Control Commission (WQCC) is proposing to amend regulations governing its review of appeals of the Water Quality Division decisions. The revisions would allow the WQCC to evaluate proposals submitted after the prehearing statement deadline that are not the result of settlement discussions. The revisions would also clarify that the WQCC will hear appeals relating to discharges without a permit. The WQCC will hold a public hearing May 14, 2007 to consider adoption of the revisions. For more information, contact Diana Glaser at (303) 692-3469. The notice of rulemaking is available at <http://www.cdphe.state.co.us/op/wqcc/meetingsandhearings/HearingNotices/rulemaking/21notice0705.pdf>.

Amendments to the Copper Standards for Boulder Creek Segment 9 – The WQCC is proposing to adopt amendments to the copper standards for Boulder Creek Segment 9, in the Classifications and Numeric Standards for South Platte River Basin (Regulation 38). The WQCC will hold a public hearing on April 9, 2007. For more information, contact Sarah Johnson at

(303) 692-3609. The proposed revisions are available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F1212/38noticeBldrCrk.pdf.

Waste Information

Regulation of Certain Motorized Equipment Waste – The Colorado Department of Public Health and Environment (CDPHE) is discussing the development of regulations addressing the recycling of residentially generated used oil, lead acid batteries and waste tires. The regulations are expected to impact automotive retailers, recyclers, transfer stations, solid waste disposal facilities and waste haulers. A meeting was held March 1, 2007. For more information, contact Cindy Smith at (303) 692-3409. The rulemaking Web site is available at <http://www.cdphe.state.co.us/hm/oilbatteriestires.htm>.

Colorado Underground Storage Tank (UST) Program – The EPA is proposing to approve a request by the Colorado Department of Labor and Employment for final approval of its Underground Storage Tank (UST) Program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). If approved, the state program would operate in lieu of the Federal UST program. No schedule for EPA approval is currently available. For more information, contact Francisca Chambus at (303) 312-6782.

Legislative Developments

The 2007 Colorado legislative session began on January 10, 2007, and adjourns on May 9, 2007. For information on the legislative session, link to <http://www.leg.state.co.us>. A * denotes the first time the bill has been reported in the Review.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
HB 1012 <i>Representative Frank McNulty (R)</i> Proposes to exclude from consideration in an analysis of historic consumptive use the period of time which a loaned water right is used by the Colorado Water Conservation Board for instream purposes.	1/10/07	1/22/07		Passed reading in Agriculture, Natural Resources and Energy Committee 2/14/07
*HB 1109 <i>Representative Cory Gardner (R)</i> Proposes to direct the water conservation board to conduct a follow-up study regarding the economic, ecological, and technical feasibility of using alluvial aquifers located in the South Platte and Arkansas river basins for water storage.	1/15/07			Postponed indefinitely in Agriculture, Livestock, & Natural Resources Committee 2/6/07
*HB 1132 <i>Representative Liane McFadyen (D)</i> Proposes that when a water judge changes irrigation water rights of a certain size, the judge may include terms or conditions that address decreases in water quality caused by the change.	1/16/07	2/1/07		Passed second reading in Senate 2/20/07
SB 13 Senator Joshua Penry (R) Establishes that approving plans for augmentation shall contain terms necessary to prevent injury to vested water rights.	1/10/07			Postponed indefinitely 2/1/07
WASTE				
HB 1288 <i>Representative Judy Solano (D)</i> Proposes to direct the State to award grants to nonprofit or for-profit organizations for the development of programs for use with the collection of household hazardous waste, electronic scrap material, or other discarded materials.	2/12/07			Scheduled for hearing in Health and Human Services Committee 3/1/07
NATURAL RESOURCES				
HB 1038 Representative Dan Gibbs (R) Proposes to create the non-native plant control fund in the state treasury.	1/10/07			Referred to Appropriations Committee 2/06/07
*HB 1130 <i>Representative Dan Gibbs (D)</i> Requests proposals for cost-share grant to stakeholders for experimental forest restoration projects that are designed through a collaborative community process.	1/16/07			Referred to Appropriations Committee 2/06/07
*HB 1168 <i>Representative Al White (R)</i> Proposes to authorize a county to adopt an ordinance proposing to create or join a forest improvement district.	1/17/07	2/14/07		Referred to Local Government Committee 2/14/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
LAND USE				
HB 1013 <i>Representative Mary Hodge (D)</i> Proposes to require the board of a water conservancy district to exclude lands from the district if such lands have not received services from the district for a period of one year.	1/10/07	2/6/07		Referred to the Agriculture, Natural Resources and Energy Committee 2/7/07
HB 1036 <i>Representative Jerry Sonnenberg (R)</i> Proposes to prohibit the state from exercising eminent domain that results in the acquisition of appropriated water rights.	1/10/07			Passed the Agriculture, Livestock and Natural Resources Committee 1/24/07
*HB 1045 <i>Representative James Kerr (R)</i> Proposes to increase the maximum number of persons who may be appointed to serve on a county planning commission from 9 to 15 members.	1/10/07	1/23/07	2/12/07	Passed Senate 2/12/07
HB 1069 <i>Representative Wes McKinley (D)</i> States that DoD shall only acquire land in the state for purposes of training military personnel by means other than eminent domain.	1/10/07			Referred to the State, Veterans, and Military Affairs Committee 1/10/07
*HB 1110 <i>Representative Kent Lambert (R)</i> Proposes to require a public entity to provide just compensation to the owner of an affected piece of real property when it enacts a land use regulation that diminishes the fair market value of the property.	1/15/07			Postponed indefinitely in Local Government Committee 1/30/07
OTHER				
HB 1060 <i>Representative Jim Riesberg (D)</i> Proposes to establish the bioscience discovery grant program and appropriates money for research.	1/10/07			Referred to Appropriations Committee 2/7/07
*SB 91 <i>Senator Gail Schwartz (D)</i> Concerns renewable resource generation development areas.	1/15/07	2/12/07		Passed third reading 2/12/07
*SB 100 <i>Senator Joan Fitz-Gerald (D)</i> Concerns measures to ensure the adequacy of Colorado's electric transmission infrastructure.	1/22/07	2/20/07		Passed third reading 2/20/07
*SB 145 <i>Senator Ron Tupa (D)</i> Concerns the authority of certain local governments to offer incentives for the use of renewable energy fixtures.	1/30/07			Passed Committee on Local Government 2/15/07



Regulatory and Legislative News

MONTANA

Regulatory Developments

Air Information

None.

Water Information

None.

Waste Information

None.

Legislative Developments

The 2007 Montana legislative session began January 3, 2007 and adjourns April 24, 2007. For information on the legislative session, link <http://www.leg.state.mt.us>. A * denotes the first time the bill has been reported in the Review.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
HB 55 <i>Representative Kevin Furey (D)</i> Proposes to authorize the licensing or leasing of state trust lands for carbon sequestration or other ecosystem services.	12/8/06			Tabled in Natural Resources Committee 2/1/07
HB 227 <i>Representative Ron Erickson (D)</i> Proposes to create a special revenue account for the purpose of loans for carbon sequestration projects.	1/9/07			Tabled in Appropriations Committee 2/6/07
HB 282 <i>Representative Ron Erickson (D)</i> Proposes to require the Board of Environmental Review to establish requirements for the capture, transportation and storage of carbon dioxide at coal-fired electrical generation plants.	1/10/07			Hearing in Natural Resources Committee 2/2/07
HB 301 <i>Representative Michele Reinhart (D)</i> Proposes to make state energy policy goal statements that include the encouragement of renewable energy production and greenhouse gas emission caps.	1/12/07			Tabled in Federal Relations, Energy & Telecommunications Committee 1/30/07
HB 753 <i>Representative Betsy Hands (D)</i> Proposes to require the Board of Environmental Review to identify greenhouse gas emission sources and report findings to the Department of Environmental Quality.	2/16/07			Referred to Natural Resources Committee 2/16/07
SB 105 <i>Senator Greg Lind (D)</i> Proposes to provide a tax break for equipment to sequester carbon dioxide.	12/15/06			Considered in Natural Resources and Energy Committee 1/17/07
SB 218 <i>Senator Greg Lind (D)</i> Proposes to revise sequestration standards for carbon.	1/9/07			Passed second reading 2/20/07
SJR 20 <i>Senator Mike Cooney (D)</i> Proposes a carbon reduction timeline.	2/16/07			Referred to Natural Resources and Energy Committee 2/16/07
WATER				
HB 16 <i>Representative Jim Keane (D)</i> Proposes to repeal the water adjudication fee. Clarifies claim examination priorities.	11/16/06			Tabled in Natural Resources Committee 1/22/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 36 <i>Representative John Musgrove (D)</i> Proposes to extend the termination date for increasing the limit for a loan to a water user's association or ditch company from the renewable resources grant program.	11/30/06	1/19/07		Hearing in Natural Resources and Energy Committee 1/29/07
HB 39 <i>Representative Walter McNutt (R)</i> Proposes to revise the water right ownership process.	11/30/06			Referred to Appropriations Committee 2/14/07
HB 55 <i>Representative Kevin Furey (D)</i> Proposes to authorize the licensing or leasing of state trust lands for carbon sequestration or other ecosystem services.	12/8/06			Tabled in Natural Resources Committee 2/1/07
HB 73 <i>Representative Dave Gallik</i> Proposes to increase the limits on fees that may be imposed to support the water quality program of the DEQ.	12/14/06			Tabled in Natural Resources Committee 1/22/07
HB 87 <i>Representative Douglas Cordier (D)</i> Proposes to empower water commissioners to oversee changes to water appropriation rights.	12/18/06			Referred to Senate State Administration Committee 1/19/07
HB 93 <i>Representative Debby Barrett (R)</i> Proposes to repeal the water adjudication fee. Provides for completion of examination on a basin-by-basin basis.	12/20/06			Tabled in Natural Resources Committee 1/22/07
*HB 116 <i>Representative Rick Ripley (R)</i> Proposes to revise groundwater assessment laws.	12/21/06			Hearing in Appropriations Committee 1/15/07
HB 119 <i>Representative Jill Cohenour (D)</i> Proposes to review permit requirements for water quality.	12/21/06			Tabled in Natural Resources Committee 2/1/07
HB 130 <i>Representative Margaret Campbell (D)</i> Proposes to provide refunds up to \$400 of water adjudication fees.	12/21/06			Tabled in Natural Resources Committee 1/22/07
HB 138 <i>Representative Walter McNutt (R)</i> Proposes to revise laws of water appropriation.	12/21/06			Fiscal note printed 2/20/07
*HB 151 <i>Representative Ralph Heinert (R)</i> Proposes to repeal the water adjudication fee. Provides for a refund of the water adjudication fee to cities, towns, and political subdivisions.	12/22/06			Tabled in Natural Resources Committee 1/22/07
HB 184 <i>Representative Mike Jopek (D)</i> Proposes to establish a growth policy to include strategies for preserving public access to lakes, streams, rivers, and other waterways.	1/4/07			Tabled in Natural Resources Committee 2/1/07
HB 203 <i>Representative Mike Jopek (D)</i> Proposes to revise controlled groundwater area designations.	1/5/07			Tabled in Natural Resources Committee 2/19/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 205 <i>Representative George Everett (R)</i> Proposes to revise controlled groundwater area provisions by providing requirements to be met before a groundwater area petition may be accepted.	1/5/07			Passed reading in Natural Resources Committee 2/17/07
HB 262 <i>Representative Mike Jopek (D)</i> Proposes to remove the exemption for a water right permit for a water allocation from groundwater when the withdrawal from a well or developed spring is 35 gallons a minute or less.	1/9/07			Tabled in Natural Resources Committee 2/19/07
HB 304 <i>Representative Kevin Furey (D)</i> Proposes to create an interim water policy committee.	1/11/07			Referred to Appropriations Committee 2/20/07
HB 320 <i>Representative Jack Ross (R)</i> Proposes to close the Fiddler Creek Subbasin to new water appropriations or state water reservations.	1/12/07			Tabled in Natural Resources Committee 2/19/07
*HB 373 <i>Representative Walter McNutt (R)</i> Defines "augment" and "augmentation plan" and "Induced infiltration or induced recharge" for the purposes of the Water Use Act.	1/17/07			Hearing in Natural Resources Committee 2/9/07
HJ 5 <i>Representative Michael Lange (R)</i> Urges Montana's Congressional Delegation to support legislation requiring the Army Corps of Engineers to increase and maintain a minimum pool elevation in the Fort Peck Reservoir.	1/4/07	2/3/07		Transmitted to Senate 2/3/07
*HJ 15 <i>Representative Kevin Furey (D)</i> Requests an interim study to evaluate water markets in Montana.	1/18/07			Tabled in Natural Resources Committee 2/19/07
SB 128 <i>Senator Jesse Laslovich</i> Proposes to allow for the Department of Fish, Wildlife, and Parks to change water rights to protect, maintain, or enhance stream flow to benefit fishery resources.	12/20/06	2/20/07		Transmitted to House 2/20/07
SB 199 <i>Senator David Wanzenried (D)</i> Proposes to eliminate the ability of a governing body to overrule a protest for a sanitary sewer district.	1/8/07			Tabled in Local Government Committee 2/1/07
*SB 324 <i>Senator Verdell Jackson (R)</i> Proposes to revise ground water data collection.	1/22/07	2/8/07		Sent to House 2/8/07
*SB 325 <i>Senator Dave Lewis (R)</i> Proposes to prohibit a county commission from proposing a resolution creating a zoning district or establishing zoning regulations for five years following a successful protest.	1/22/07			Hearing scheduled in Local Government Committee 2/15/07
*SB 339 <i>Senator Terry Murphy (R)</i> Proposes to revise annexation and zoning laws to prohibit municipalities from annexing territory located in a different county.	1/24/07			Hearing scheduled in Local Government Committee 2/20/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
WASTE				
HB 47 <i>Representative Dave Gallik (D)</i> Proposes to increase the size of a tract of land that is subject to the permitting exclusion for disposal of household or agricultural waste.	12/6/06			Tabled in Agriculture Committee 1/26/07
HB 88 <i>Representative Sue Dickenson (D)</i> Proposes to regulate electric generation facility waste.	12/18/06			Tabled in Federal Relations, Energy & Telecommunications Committee 1/23/07
HB 94 <i>Representative Kendall Van Dyk (D)</i> Proposes to revise penalties for the prevention and correction of leakage from underground storage tanks.	12/20/06			Referred to Natural Resources and Energy Committee 2/6/07
HB 104 <i>Representative Kevin Furey (D)</i> Proposes to require the owner or operator of a water appropriation facility to install and maintain suitable controlling and measuring devices.	12/20/06			Tabled in Natural Resources Committee 1/29/07
HB 144 <i>Representative Arlene Becker (D)</i> Proposes to authorize the DEQ to enjoin the transportation of solid waste if there is a violation of waste management laws.	12/22/06	1/25/07		Hearing scheduled in Public Health, Welfare, and Safety Committee 2/7/07
HB 167 <i>Representative Betsy Hands (D)</i> Proposes to revise the process for adopting the state solid waste management and resource recovery plan.	12/26/06	2/6/07		Referred to Natural Resources and Energy Committee 2/7/07
HB 261 <i>Representative Mike Jopek (D)</i> Proposes to prohibit disposal of mercury-containing products in a solid waste disposal facility.	1/9/07			Tabled in Natural Resources Committee 2/19/07
*HB 408 <i>Representative Brady Wiseman (D)</i> Prohibits tire or hazardous waste incineration for energy generation.	1/22/07			Hearing in Natural Resources Committee 2/12/07
SB 77 <i>Senator Rick Laible (R)</i> Proposes to require the Department of Fish, Wildlife, and Parks to submit a detailed program report to legislative committees, identifying any project that involves stream remediation from mining activities.	12/12/06	1/23/07		Transmitted to House 1/23/07
NATURAL RESOURCES				
HB 37 <i>Representative Michele Reinhart (D)</i> Proposes to define the term "noxious weeds".	11/30/06	2/17/07		Sent to Senate 2/17/07
SB 25 <i>Senator Lane Larson (D)</i> Proposes to define terms for the contract harvesting and sale of forest products from state trust lands.	11/22/06	1/31/07		Sent to House 1/31/07
SB 58 <i>Senator Ken Hanson (D)</i> Proposes to terminate the prairie dog management law.	12/7/06			Tabled in Fish & Game Committee 1/23/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 126 <i>Senator Steve Gallus (D)</i> Proposes to repeal the termination of future fisheries improvement program. Authorizes that the Department of Fish, Wildlife, and Parks will continue to fund and implement projects to enhance fisheries habitat and ensure funding is maintained.	12/20/06	1/19/07		Transmitted to House 1/19/07
SB 244 <i>Senator Dan Weinberg (D)</i> Proposes to increase the fine for lakeshore protection violations to a fine not less than \$500 or more than \$5000.	1/11/07	2/7/07		Sent to House 2/7/07
LAND USE				
HB 24 <i>Representative Harry Klock (R)</i> Proposes to provide common carrier status to pipelines moving carbon dioxide.	11/27/06	1/26/07		Hearing in Natural Resources and Energy Committee 2/9/07
*HB 115 <i>Representative Jill Cohenour (D)</i> Revises the requirements for publication of hunting, fishing, trapping, and land use regulations that are adopted by the Fish, Wildlife, and Parks Commission.	12/21/06	1/24/07		Referred to Fish and Game Committee 1/25/07
HB 200 <i>Representative Mike Jopek (D)</i> Proposes to revise state land classification laws.	1/5/07			Tabled in Natural Resources Committee 2/1/07
HB 295 <i>Representative Ron Erickson (D)</i> Proposes to allow governing bodies to deny or impose conditions on land use and development proposals based solely on whether they comply with a growth policy.	1/12/07			Tabled in Local Government Committee 2/16/07
*HB 370 <i>Representative Jennifer Pomnichowski (D)</i> Creates a uniform penalty for enforcement of zoning violations.	1/17/07			Tabled in Judiciary Committee 2/6/07
*HB 425 <i>Representative John Sesso (D)</i> Revises exemptions from certain subdivision review requirements.	1/23/07			Hearing in Local Government Committee 2/15/07
HJ 9 <i>Representative Ken Peterson (R)</i> Creates an interim study on the laws relating to the creation of easements.	1/10/07	1/24/07		Referred to Judiciary Committee 1/25/07
SB 41 <i>Senator Jim Elliott (D)</i> Proposes to provide that a city or town may not serve as a pass-through entity by using its power of eminent domain to obtain property to sell or to provide to a private entity within 10 years of acquisition.	11/30/06	2/17/07		Sent to House 2/17/07
SB 51 <i>Senator Bob Hawks (D)</i> Proposes to require land use growth policies to consider fire and wildland fire among the natural hazards that subdivision regulations are required to reasonably address.	12/05/06	2/20/07		Transmitted to House 2/20/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 75 <i>Senator Bob Hawks</i> Proposes to revise laws and funding formulas for the administration of state trust land.	12/11/06	2/16/07		Transmitted to House 2/16/07
SB 78 <i>Senator Lane Larson (D)</i> Proposes to provide reasonable and safe public access to streams and rivers from a county bridge, its right-of-way, and its abutments.	12/12/06	2/10/07		Transmitted to House 2/10/07
SB 106 <i>Senator Sam Kitzenberg (D)</i> Proposes to establish portions of Brush Lake as a state park.	12/15/06			Tabled in Fish & Game Committee 1/23/07
SB 107 <i>Senator Sam Kitzenberg (D)</i> Establishes portions of Culbertson Overlook as a state park.	12/15/06			Tabled in Fish & Game Committee 1/23/07
SB 110 <i>Senator Rick Laible (R)</i> Proposes to revise conditions under which land may not be annexed.	12/18/06	2/20/07		Transmitted to House 2/20/07
SB 131 <i>Senator John Cobb (R)</i> Proposes to extend the termination date for the sale of state trust land and purchase of replacement property through the land banking program.	12/20/06	1/16/07		Sent to House 1/16/07
SB 167 <i>Senator Bob Hawk</i> Proposes to allow counties to designate boundaries of wildland-urban interface and impose development standards on those areas through zoning and other land use.	12/28/06			Tabled in Local Government Committee 2/13/07
SB 201 <i>Senator Rick Laible</i> Proposes to revise land use laws to allow local governments to adopt growth policies that address infrastructure planning.	1/8/07			Hearing in Local Government Committee 2/8/07
SB 238 <i>Senator David Wanzenried (D)</i> Proposes to provide that a private historic access right-of-way is a public use for purposes of eminent domain.	1/11/07			Tabled in Judiciary Committee 2/14/07
*SB 274 <i>Senator Rick Laible (R)</i> Proposes to revise laws related to the sale, lease and purchase of land by the Department of Fish, Wildlife and Parks.	1/16/07			Tabled in Natural Resources and Energy Committee 2/7/07
*SB 299 <i>Senator Lynda Moss (D)</i> Proposes to provide for the lease or exchange of historic property if the state agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.	1/18/07	2/17/07		Sent to House 2/17/07
*SB 347 <i>Senator Jim Shockley (R)</i> Authorizes the Attorney General to initiate, join, or intervene in a conservation easement enforcement action.	1/25/07			Passed second reading 2/20/07
*SB 351 <i>Senator Gary Perry (R)</i> Proposes to clarify the procedures under local subdivision review for identifying areas that are unsuitable for subdivision development.	1/25/07			Hearing cancelled in Local Government Committee 2/9/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
OTHER				
HB 114 Representative Alan Olson (R) Proposes to establish the Montanan Energy Transmission and Transportation Authority.	12/21/06			Fiscal note printed 2/2/07
HB 161 <i>Representative Sue Dickenson (D)</i> Proposes to modify the filing fee provisions of the Montana Major Facility Siting Act.	12/26/06			Tabled in Federal Relations Energy & Telecommunications Committee 1/30/07
HB 163 <i>Representative Roger. Koopman (R)</i> Proposes that public funds may not be expended for lobbying and prohibits certain public employees from lobbying.	12/26/06			Hearing in State Administration Committee 1/17/07
HB 176 <i>Representative Franke Wilmer (D)</i> Proposes to establish uniform definitions of ethanol and related terms.	12/26/06			Passed Transportation Committee 2/19/07
HB 183 <i>Representative Mike Jopek (D)</i> Proposes to create a biodiesel loan program to be administered by the Department of Agriculture.	1/4/07			Tabled in Appropriations Committee 2/14/07
*HB 238 <i>Representative Mike Phillips (D)</i> Proposes to fund waste and energy audit for government to reduce operating costs.	1/8/07			Tabled in State Administration Committee 1/26/07
HB 271 <i>Representative Walter McNutt (R)</i> Proposes to revise the membership of the Board of Environmental Review.	1/10/07			Passed second reading 2/20/07
HB 309 <i>Representative Bob Bergren (D)</i> Proposes to require that all diesel fuel sold in Montana must contain at least 2% biodiesel by volume.	1/12/07			Tabled in Transportation Committee 2/14/07
HB 318 <i>Representative Dennis Himmelberger (R)</i> Proposes to increase the minimum fuel octane level to 87.	1/12/07			Tabled in Transportation Committee 2/19/07
HJ 6 Urges Congress and the President to support the "25 X 25" plan to use agricultural resources to produce 25% of America's Energy by the year 2025.	1/9/07	2/6/07		Passed reading in Agriculture, Livestock, and Irrigation Committee 2/20/07
SB 122 <i>Senator Sam Kitzenberg (D)</i> Proposes to establish an ethanol and biobased renewable fuels education board.	12/20/06	1/24/07		Sent to House 1/24/07
SB 177 <i>Senator Carolyn Squires</i> Proposes to extend the time in which a petition may be filed with a district court to set aside a decision made by the Montana Environmental Quality Council.	12/28/06	2/3/07		Transmitted to House 2/3/07



Regulatory and Legislative News

**NORTH
DAKOTA**

Regulatory Developments

Air Information

None.

Water Information

None.

Waste Information

None.

Legislative Developments

The 2007 North Dakota legislative session began January 3, 2007, and adjourns mid-April, 2007. For information on the legislative session, link to <http://www.legis.nd.gov>. A * denotes the first time the bill has been reported in the Review.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
HB 1131 House Natural Resources Committee Proposes to provide for a geothermal system installer to be appointed to the state board of water well contractors.	12/29/06	1/18/07		Referred to Natural Resources Committee 2/13/07
WASTE				
HB 1085 <i>House Agriculture Committee</i> Proposes to make the pesticide disposal program permanent.	12/21/06	1/18/07		Referred to Agriculture Committee 2/13/07
HB 1094 <i>House Political Subdivisions Committee</i> Propose that regulations on underground storage tanks adopted by the State Department of Health must not be more stringent than requirements of federal acts.	12/29/06	1/8/07		Referred to Political Subdivisions Committee 2/13/07
HB 1109 <i>Representative Francis Wald (R)</i> Proposes to define a portable tank as a storage tank along with its piping and wiring that is not stationary or affixed, including a tank on skids.	12/29/06	1/25/07		Referred to Business Industry & Labor Committee 2/13/07
HB 1300 <i>Representative Shirley Meyer (D)</i> Proposes to require tire retailers to charge an advance disposal fee of \$2.25 for each tire installed regardless of whether the retailer returns the replaced tire to the purchaser.	1/8/07			Failed second reading 1/25/07
SB 2085 <i>Senate Finance and Taxation Committee</i> Proposes to require a supplier or distributor of motor vehicle fuel to take a physical inventory of fuel on a monthly basis and to report inventory gains and losses to the Tax Commissioner monthly.	12/20/06	1/11/07		Referred to Finance and Taxation 1/31/07
NATURAL RESOURCES				
LAND USE				
HB 1344 <i>Representative James Kerzman</i> Proposes to provide that individuals may petition a board of county commissioners to authorize the petitioner to improve a section line for the purpose of travel.	1/10/07			Hearing in Political Subdivisions Committee 2/1/07
*HB 1392 <i>Representative Dennis Johnson (R)</i> Proposes to increase the penalty for violating zoning regulations in townships.	1/12/07	2/7/07		Referred to Political Subdivisions Committee 2/13/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 2039 <i>Legislative Council</i> Proposes to update North Dakota Code to specify that state use of eminent domain is subject Chapter 32-15, which defines purposes for which eminent domain may be used.	12/12/06			Failed in Senate 1/11/07
SB 2096 <i>Senate Natural Resources Committee</i> Proposes to authorize the state engineer to find the person responsible and charge a penalty if a building, structure, or boat, is on the bed of or adjacent to navigable waters and is a menace to life or property.	12/20/06	1/26/07		Considered in Natural Resources Committee 1/31/07
*SB 2214 <i>Senator Stanley Lyson (R)</i> Proposes to update the North Dakota Code to specify that state use of eminent domain is subject to Chapter 32-15, which defines purposes for which eminent domain may be used.	11/5/07	1/31/07		Hearing in Judiciary Committee scheduled 2/28/07
*SB 2271 <i>Senator Ray Homlberg (R)</i> Proposes to require a Board of County Commissioners or County Zoning Commission to state any grounds upon which a request for a zoning amendment or variance is disapproved.	1/15/07	2/14/07		Sent to Senate 2/15/07
OTHER				
HB 1028 <i>Legislative Council</i> Proposes to establish an energy development and transmission committee which would study and review policy affecting extraction, generation, processing, transmission, transportation, marketing, distribution, and use of energy.	12/12/06	1/11/07		Referred to Industry, Business, and Labor Committee 2/13/07
HB 1115 <i>Representative Phillip Mueller (D)</i> Proposes to create a center to research biomass energy, led by North Dakota state university researchers.	12/29/06			Withdrawn from further consideration 1/9/07
HB 1121 <i>House Transportation Committee</i> Proposes to update the code section related to fuels to provide definitions of alternative fuel and biodiesel.	12/26/06	2/13/07		Sent to Senate 2/14/07
HB 1295 <i>Representative Robin Weisz (R)</i> Proposes to allow for an annual permit to be issued for the movement of excessive size and weight on state highways for one fee.	1/8/07			Considered in Transportation Committee 1/19/07
HB 1329 <i>Representative Don Vigasaa (R)</i> Proposes to provide a matching fund to the state historical society for upgrading and maintaining historical cold war missile sites.	1/10/07			Referred to the Appropriations Committee 1/26/07
*HB 1514 <i>Representative David Monson (R)</i> Proposes to provide a tax credit for installation of geothermal, solar, wind or biomass energy devices.	1/15/07	2/2/07		Referred to Finance and Taxation Committee 2/13/07
*HB 1515 <i>Representative David Monson (R)</i> Creates a biomass incentive and research program.	1/15/07	2/14/07		Sent to Senate 2/14/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*HCR 3024 <i>Representative Lois Delmore (D)</i> Supports the Congressional Delegation's efforts to maintain and enhance military force structure and missions in North Dakota.	1/23/07	2/13/07		Sent to Senate 2/14/07
SB 2087 <i>Senate Transportation Committee</i> Proposes to define E85 fuel as a petroleum product that contains 85% agriculturally derived denatured ethanol by volume but must contain 60% ethanol by volume.	12/20/06	1/18/07		Referred to Transportation Committee 1/31/07
SB 2095 <i>Senate Agriculture Committee</i> Proposes to update the definition of "commercial applicator", "public applicator", and "ready-to-use".	12/20/06	1/19/07		Sent to House 1/19/07
SB 2159 <i>Senator Jel Heitkamp (D)</i> Proposes to require ethanol dispensing units to have a label with the ethanol promotion and information council label or logo.	1/9/07	1/22/07		Referred to Transportation Committee 1/31/07
*SB 2282 <i>Senator Joel Heitkamp (D)</i> Proposes to establish renewable fuel goals to replace 25% of all petroleum used in the formation of gasoline with biofuels by the year 2020.	1/15/07			Failed to pass second reading 2/15/07
*SB 2288 <i>Senator Dave Nething (R)</i> Proposes to create a center to research biomass energy, led by North Dakota state university researchers.	1/15/07	2/15/07		Sent to House 2/15/07
*SB 2391 <i>Senator Tim Flakoll (R)</i> Provides incentives for retail ethanol sales for motor vehicle fuel retailers.	1/22/07			Failed second reading 2/15/07
*SCR 4009 <i>Senator Joel Heitkamp (D)</i> Proposes to require every dealer offering gasoline for sale to offer a 10% blend of ethanol for sale.	1/15/07			Failed second reading 2/8/07



Regulatory and Legislative News

**SOUTH
DAKOTA**

Regulatory Developments

Air Information

None.

Water Information

None.

Waste Information

None.

Legislative Developments

The South Dakota legislative session began January 9, 2007 and ends in mid-March. For information on the legislative session, link <http://legis.state.sd.us/index.cfm>. A * denotes the first time the bill has been reported in the Review.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
*HB 1104 <i>Representative Gordon Pederson (R)</i> Proposes to revise certain township powers related to water and sewerage systems.	1/18/07			Bill deferred 2/8/07
WASTE				
*HB 1121 <i>Representative Alan Hanks (R)</i> Provides for the purchase, sale or transfer of certain solid waste or recyclable materials by local governments.	1/19/07	1/30/07	2/8/07	Signed by Governor 2/15/07
NATURAL RESOURCES				
HB 1026 <i>House Agriculture, Conservation, and Natural Resources Committee</i> Proposes to clarify the definition of unprotected birds as those determined by the Game, Fish and Parks Commission that no longer merit protection.	Prefiled 1/5/07	2/5/07	2/20/07	Passed Senate 2/20/07
LAND USE				
OTHER				
*HB 1202 <i>Representative Margaret Gillespie (D)</i> Proposes to provide for the notification of certain members of the armed forces concerning screening for exposure to depleted uranium.	1/25/07			Failed reading 2/5/07
SB 13 <i>Senate Transportation Committee</i> Proposes to amend the adoption date of federal regulations related to transportation of hazardous materials.	Prefiled 1/5/07	1/18/07	1/29/07	Signed by Governor 2/2/07



Regulatory and Legislative News

UTAH

Regulatory Developments

Air Information

Implementation of the Clean Air Mercury Rule (CAMR) – The Utah Department of Environmental Quality (DEQ) is proposing regulations to implement the Clean Air Mercury Rule (CAMR) in Utah. CAMR established a mercury emissions "cap" for Utah of 0.506 tons per year (tpy) for the period 2010-2017, and a cap of 0.2 tpy for the period 2018 and beyond. Once the cap is established, emissions from coal-fired electrical generating units of 25Mw or greater will be counted towards the cap. A public hearing to accept comments on the proposed rules was held 12/12/06. On this schedule, the rules are expected to be adopted March 7, 2007 and then submitted to EPA for final approval. For more information, contact Bill Reiss at (801) 536-4077. <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>

Amendments to the NESHAP – The DEQ is proposing to adopt updates by reference to the NESHAP for source categories made by EPA. The Air Quality Board (AQB) considered adoption of the amendments on February 7, 2007. For more information, contact Eileen Brennan at (801) 536-4176. The proposed

revisions are available at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/pdf-files/MACT/r307-214.pdf>.

Adoption of Interstate Transport to the State Implementation Plan – The DEQ is proposing to adopt updates to the State Implementation Plan (SIP) to maintain conformity with applicable federal requirements. Specifically, the amendments address interstate transport of emissions that would affect nonattainment and maintenance areas in neighboring states, as well as prevention of significant deterioration and visibility programs. The AQB held a public hearing February 7, 2007 to consider adoption of the amendments. For more information, contact Jan Miller at (801) 536-4042. Information on the proposed rulemaking is available at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/pdf>.

Water Information

None.

Waste Information

None.

Legislative Developments

The Utah legislative session began January 15, 2007 and ended February 28, 2007. For information on the legislative session, link: <http://www.le.state.ut.us/>. A * denotes the first time the bill has been reported in the Review.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
*HB 122 <i>Representative Rosalind McGee (D)</i> Proposes to create the Clean Air and Efficient Vehicle Tax Credit.	1/19/07	2/15/07		Returned to Rules Committee 2/20/07
WATER				
HB 99 <i>Representative Patrick Painter (R)</i> Proposes to amend the loan and grant programs for water projects administered by the DEQ.	1/15/07	2/1/07	2/15/07	Signed by House Speaker 2/15/07
*HB 140 <i>Representative Sylvia Andersen (R)</i> Requires counties and municipalities to adopt an ordinance protecting its public drinking water.	1/24/07			Passed second reading 2/19/07
SB 95 <i>Representative Mike Dmitrich (D)</i> Proposes to authorize the Water Quality Board to make rules regarding certification of instream flow change applications.	1/15/07			Referred to Rules Committee 2/20/07
WASTE				
SB 76 <i>Senator Scott McCoy (D)</i> Proposes to require recycling of certain electronic devices.	1/26/07			Returned to Rules Committee 2/20/07
*SB 155 <i>Senator Darin Peterson (R)</i> Proposes to exempt a radioactive waste disposal facility license in effect on or before December 31, 2006 from local government planning and zoning approval, legislative and gubernatorial approval, and certain siting requirements	1/22/07	2/7/07	2/14/07	Sent to Governor 2/15/07
*SB 207 <i>Senator Fred Fife (D)</i> Proposes to revise provisions of the Waste Tire Recycling Act.	2/2/07			Printing with fiscal note 2/14/07
NATURAL RESOURCES				
LAND USE				
*HB 129 <i>Representative Michael Morley (R)</i> Proposes to modify county and municipal land use development and management provisions relating to the processing of land use applications.	1/18/07	2/9/07	2/19/07	Enrolled bill prepared 2/20/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
*HB 187 <i>Representative Roger Barrus (R)</i> Modifies existing law relating to eminent domain which requires damages to be assessed on behalf of a property owner, part of whose property is being acquired by eminent domain.	1/25/07			Fiscal note sent to sponsor 2/1/07
*HB 365 <i>Representative Stephen Urquhart (R)</i> Proposes to modify existing law relating to community development and renewal agencies.	1/29/07	2/20/07		Sent to Senate 2/20/07
*SB 218 <i>Senator Curtis Bramble (R)</i> Provides an exception to blight study and blight hearing requirements for agencies that find blight based on a finding relating to a superfund site or an inactive industrial site.	1/30/07			Passed second reading 2/20/07
OTHER				
HB 221 <i>Representative Ronda Rudd Menlove (R)</i> Provides that a notice of violation tolls the running of the time in which the DEQ may commence a civil action for a penalty.	1/15/07	1/31/07	2/14/07	Signed by House Speaker 2/14/07



Regulatory and Legislative News

WYOMING

Regulatory Developments

Air Information

None.

Water Information

None.

Waste Information

None.

Legislative Developments

The Wyoming legislative session began January 9, 2007, and ended March 1, 2007. For information on the legislative session, link to <http://legisweb.state.wy.us/>. A * denotes the first time the bill has been reported in the Review.

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR				
WATER				
HB 84 <i>Representative Rosie Berger (R)</i> Proposes to provide for the purchase of water rights for in-channel use.	1/9/07			Referred to Agriculture, Public Lands & Water Resources Committee 1/16/07
HB 136 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to provide for licensure of water well drilling contractors and water well pump installation contractors.	1/11/07			Placed on General File 1/29/07
*HB 246 <i>Representative Amy Edmonds (R)</i> Changes from July 1 to January 1 the date on which point source discharge permit fees are assessed.	1/19/07	2/7/07		Placed on General File 2/16/07
*HB 307 <i>Representative Rosie Berger (R)</i> Provides for the acquisition of temporary water rights for highway or railroad construction or repair.	1/26/07			Referred to Agriculture, Public Lands & Water Resources Committee 1/29/07
SF 51 <i>Senator Cale Case (R)</i> Proposes to establish the state's right to acquire temporary water rights for highway or railroad construction or repair.	1/10/07	1/19/07		Referred to Agriculture, Public Lands and Water Resources Committee 2/2/07
SF 55 <i>Senator John Schiffer (R)</i> Proposes to modify the authority of the administrator of the water quality division to recommend rules establishing effluent standards and limitation.	1/10/07			Referred to Minerals, Business & Economic Development Committee 1/10/07
WASTE				
HB 139 <i>Joint Minerals, Business and Economic Development Interim Committee</i> Proposes to create tank requirements for regulated substances.	1/8/07	1/18/07	2/9/07	Signed by Speaker 2/20/07
HB 309 <i>Representative Frank Philp (R)</i> Proposes to provide deadlines relating to above ground storage tanks.	1/26/07	2/7/07		Placed on General File 2/16/07
NATURAL RESOURCES				
HB 62 <i>Select Natural Resources Funding Committee</i> Proposes to appropriate funds for wildlife protection through the State Wildlife and Natural Resource Fund.	1/3/07	1/25/07		Referred to Appropriations Committee 2/1/07

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
HB 123 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to create a seed laboratory advisory group and designate duties.	1/8/07	1/17/07		Placed on General File 1/31/07
SF 64 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to provide for cease and desist orders relating to nursery stock violations.	1/10/07	1/19/07		Sent to House 1/24/07
LAND USE				
HB 10 <i>Joint Corporations, Elections and Political Subdivisions Interim Committee</i> Proposes that a county may elect to regulate parcels of land between 35 and 100 acres in size.	1/9/07			Referred to Corporations Elections, and Political Subdivisions Committee 1/9/07
HB 11 <i>Joint Corporations, Elections and Political Subdivisions Interim Committee</i> Proposes to provide exemptions from county subdivision regulations.	1/9/07			Passed second reading 1/30/07
HB 57 <i>Representative Peter Illoway (R)</i> Proposes that annexed property must be contiguous to city or town boundaries before additional annexations can occur.	1/11/07			Referred to Corporations Elections, and Political Subdivisions Committee 1/11/07
HB 124 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to establish reclamation and restoration requirements for eminent domain.	1/9/07			Sent to Senate 1/31/07
SF 30 <i>Joint Agriculture, Public Lands, and Water Resource Interim Committee</i> Proposes to distinguish state lands from public lands.	1/9/07	1/15/07		Referred to Agriculture, Public Lands & Water Resources Committee 1/19/07
*SF 52 <i>Senator Cale Case (R)</i> Proposes to authorize municipalities and counties to adopt ordinances regulating outdoor lighting.	1/9/07			Referred to Corporations Elections, and Political Subdivisions Committee 2/1/07
*SF 151 <i>Senator Rae Lynn Job (D)</i> Proposes to establish that the fair market value of property taken by eminent domain shall not be less than the reasonable cost of replacement.	1/19/07			Died in Agriculture, Public Lands & Water Resources Committee 2/9/07
*SF 177 <i>Senator Rae Lynn Job (D)</i> Proposes to define public use as possession, occupation and enjoyment of land by the general public or by public agencies. Provides that eminent domain may be used to remove a threat to public health, a public nuisance, a structure unfit for human use, or abandoned property.	1/24/07			Died in Agriculture, Public Lands & Water Resources Committee 2/9/07

Western Review of Legislative & Regulatory Actions – Region 8

<i>Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
OTHER				
HB 179 <i>Joint Revenue Interim Committee</i> Proposes to amend fuel tax administrative provisions and amends the definition of alternative fuels including ethanol.	1/12/07	1/22/07	2/9/07	Signed by Senate President 2/12/07
SF 22 <i>Senator Tony Ross (R)</i> Proposes to declare that a board of county commissioners may regulate noise nuisances through the adoption of resolution and further remedies such as injunction, mandamus, or abatement. Filed 12/11/06	1/10/07			Indefinitely postponed 1/16/07